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E.O. 11652: GDS

TAGS: PFOR, EAIR, WB, GW, GE, SZ, US, UR, UK, FR

SUBJECT: INTERFLUG OVERFLIGHTS OF THE FRG

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REF: USBERLIN 2615; BONN 10573; USBERLIN 2624;

BERN 5551; BONN 20677

1. DEPARTMENT CONSIDERS POSSIBILITY OF INTERFLUG OVER-
FLIGHT RIGHTS TO BE IMPORTANT FOR OVERALL CIVIL AIR
SITUATION IN BERLIN. WE AGREE WITH EMBASSY BONN THAT
CAREFUL CONSIDERATION SHOULD BE GIVEN TO THE MANNER IN
WHICH THE FRG RESPONDS TO THE GDR REQUEST. IN OUR VIEW
DISCUSSION OF THIS SUBJECT SHOULD TAKE
PLACE IN THE BONN GROUP WHICH HAS RESPONSIBILITY FOR THE
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OVERALL BERLIN LEGAL SITUATION. COMMERCIAL AND CIVIL

AVIATION ASPECTS SHOULD, HOWEVER, CONTINUE TO BE DISCUSSED IN THE BCATAG. OUR FINAL REACTION TO ISSUES RAISED IN REFTELS WILL BE BASED ON OUTCOME OF THESE DISCUSSIONS.

2. FOR BONN: EMBASSY SHOULD MAKE THE FOLLOWING POINTS IN NEXT BONN GROUP DISCUSSION OF THIS SUBJECT:

A. AS THE FOREIGN OFFICE IS AWARE, THE QUESTION OF RECIPROCAL OVERFLIGHT RIGHTS (I.E. OF FRG AND GDR) HAS BEEN ONE OF THE MAIN ISSUES AFFECTING WESTERN EFFORTS TO INCREASE BERLIN'S INTERNATIONAL AIR CONNECTIONS. THE QUESTION HAS BEEN AN IMPORTANT ITEM OF BONN GROUP BUSINESS AT LEAST SINCE 1972, WHEN THE ORIGINAL OFFERS OF LANDING RIGHTS WERE MADE TO AUA AND SAS. THE DEPARTMENT IS CONCERNED ABOUT THE FACT THAT THE GDR WAS GIVEN AUTHORIZATION FOR INDIVIDUAL CHARTER FLIGHTS AND THAT CONSIDERATION OF THE EAST BERLIN-ZURICH SERVICE APPARENTLY WENT QUITE FAR WITHOUT THE SUBJECT BEING MENTIONED IN THE BONN GROUP. IT IS IMPORTANT THAT COORDINATION IMPROVE IN THE FUTURE.

B. A GRANT BY THE FRG OF OVERFLIGHT RIGHTS TO THE GDR REMAINS THE MAJOR CONCESSION AVAILABLE TO THE WEST IN OBTAINING GDR AGREEMENT TO ALLOW NON-THREE POWER CARRIERS TO OVERFLY ITS TERRITORY ON THEIR WAY TO TEGEL. EVEN THOUGH THE FRG DOES NOT INTEND TO CONCLUDE A CIVIL AVIATION AGREEMENT WITH THE GDR, THE FIRST AUTHORIZATION FOR A SCHEDULED SERVICE BY INTERFLUG OVER FRG TERRITORY COULD CREATE A PRECEDENT FOR FUTURE CASES. FOR EXAMPLE, ONCE THE FRG HAS GRANTED OVERFLIGHT RIGHTS FOR ONE SUCH SERVICE, OTHER WESTERN COUNTRIES MAY BECOME INTERESTED IN SIMILAR SERVICES INVOLVING INTERFLUG.

C. AS EMBASSY BONN HAS ALREADY POINTED OUT, A DIRECT SCHOENEFELD-ZURICH SERVICE COULD HAVE A NEGATIVE EFFECT ON THE PLANNED TEGEL-ZURICH SERVICE OF PAN AM AND BA. FURTHERMORE, IF FACED WITH THE PROSPECT OF A PROLIFERATION OF DIRECT SERVICES FROM SCHOENEFELD, THE ALLIED CARRIERS MAY LOSE INTEREST IN OTHER POSSIBLE DIRECT CORRIDOR SERVICES FROM TEGEL. PAN AM'S SCHEDULED SERVICES TO
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MUNICH WOULD PROBABLY ALSO BE AFFECTED. THE IMPACT OF EXISTING AND PLANNED CORRIDOR SERVICES IS IN OUR VIEW ONE ELEMENT WHICH THE FRG SHOULD CONSIDER CAREFULLY BEFORE MAKING A DECISION.

D. ESTABLISHMENT OF A DIRECT SCHOENEFELD-ZURICH SERVICE OVER THE TERRITORY OF THE FRG WILL MAKE IT MORE DIFFICULT FOR THE THREE POWERS AND THE FRG TO CONVINCE OTHER WESTERN

CARRIERS THAT THEY SHOULD ATTEMPT TO MOUNT DIRECT SERVICES TO TEGEL ON A NORTH-SOUTH ROUTING ONLY. IF INTERFLUG IS ALLOWED TO FLY OVER THE FRG, CARRIERS SUCH AS KLM AND SABENA WILL WONDER WHY THEY CANNOT OBTAIN THE SAME PRIVILEGE ON THE ROUTE TO TEGEL. AS THE FRG IS AWARE, THE EFFECT OF A PROLIFERATION OF SUCH SERVICES ON THE IGS WOULD BE NEGATIVE.

E. THESE CONSIDERATIONS SUGGEST TO US THAT THE FRG SHOULD DRIVE A HARD BARGAIN BEFORE GRANTING OVERFLIGHT RIGHTS TO INTERFLUG FOR A SCHOENEFELD-ZURICH SERVICE, AND THAT THE LONG TERM EFFECT OF A POSITIVE DECISION SHOULD BE CONSIDERED CAREFULLY BY THE ALLIES AND THE FRG BEFORE ANY APPROVAL IS GIVEN. PENDING CLARIFICATION OF THE ISSUES INVOLVED, THE DEPARTMENT WOULD FIND IT DIFFICULT TO DETERMINE WHAT THE MOST APPROPRIATE COUNTER PROPOSAL TO THE INTERFLUG REQUEST WOULD BE. AT FIRST GLANCE, HOWEVER, WE BELIEVE REQUEST FOR A LUFTHANSA STOP AT TEGEL WOULD NOT BE SUFFICIENT. OVERFLIGHT RIGHTS TO ZURICH WOULD SEEM TO BE IMPORTANT ENOUGH TO THE GDR FROM BOTH A POLITICAL AND ECONOMIC POINT OF VIEW TO HAVE THEM PAY MORE FOR THE APPROVAL. ONE POSSIBILITY WOULD BE MOVEMENT ON PENDING REQUESTS BY OTHER WESTERN AIRLINES FOR OVERFLIGHT RIGHTS TO WEST BERLIN.

3. FOR BERN: DEPARTMENT HAS BEEN ASSURED BY SWISS EMBASSY IN WASHINGTON THAT SWISS WILL GRANT PERMISSION FOR PAN AM TO CONDUCT BERLIN-ZURICH SERVICE. SWISS EMBASSY HAS SUGGESTED THAT ONE FACTOR CAUSING DELAY WAS UNCERTAINTY AS TO WHETHER PAN AM REALLY INTENDED TO COMMENCE ZURICH SERVICE OR WHETHER APPLICATION WAS MEANT ONLY TO CHECK THAT OF BA.

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4. AS SUGGESTED IN PARA. 9 OF BONN 20677, EMBASSY BERN SHOULD EXPRESS TO APPROPRIATE SWISS OFFICIALS OUR HOPE THAT PAN AM REQUEST WILL BE APPROVED SOON. IN MAKING APPROACH, EMBASSY SHOULD STRESS THAT PAN AM IS INTERESTED IN COMMENCING THE SERVICE AND THAT SWISS APPROVAL OF PAN AM APPLICATION IS NECESSARY BEFORE ALLIED CAA'S CAN TAKE FINAL DECISION ON REQUEST OF EITHER PAN AM OR BA TO COMMENCE SERVICE ON ZURICH ROUTE. ROBINSON UNQUOTE ROBINSON

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